



Entered on Docket
February 03, 2010

Hon. Linda B. Riegle
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

THE RHODES COMPANIES, LLC, aka
"Rhodes Homes," et al.,¹
Debtors.

Case No.: BK-S-09-14814-LBR
(Jointly Administered)

Chapter 11

Affects:

☒
☐

All Debtors

Affects the following Debtor(s)

**ORDER APPROVING MOTION OF DEBTORS FOR ENTRY OF AN ORDER UNDER
BANKRUPTCY CODE SECTION 365(d)(4) EXTENDING TIME WITHIN WHICH
DEBTORS MAY ASSUME OR REJECT UNEXPIRED LEASES OF
NONRESIDENTIAL REAL PROPERTY [DOCKET NO. 858]**

¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf and Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

1 Upon consideration of the *Motion of Debtors for Entry of an Order Under Bankruptcy*
2 *Code Section 365(d)(4) Extending Time Within Which Debtors May Assume or Reject Unexpired*
3 *Leases of Nonresidential Real Property* (the “Motion”) [Docket No. 858], and good cause
4 appearing,

5 IT IS HEREBY ORDERED THAT

6 1. The Motion is granted.
7 2. The time within which the Debtors² must assume or reject the Leases, pursuant to
8 section 365(d)(4) of the Bankruptcy Code, is hereby extended through the earlier of (i) March
9 31, 2010 or (ii) the Effective Date of the Plan.

10 3. Nothing contained herein shall be deemed to authorize the assumption or rejection
11 of any of the Leases, except that the Deemed Rejected Leases shall be deemed rejected on
12 January 31, 2010 if the Debtors have not received the Consent Letters by such date.

13 4. Any claims arising out of the rejection of the Deemed Rejected Leases must be
14 filed within 30 days of January 31, 2010 or else such claim shall be disallowed and barred from
15 being asserted against the Debtors.

16 5. The extension granted in this Order is without prejudice to the Debtors’ right to
17 seek further extension(s) of their time to assume or reject some or all of the Leases.

18 6. All time periods set forth in this Order shall be calculated in accordance with Rule
19 9006(a) of the Federal Rules of Bankruptcy Procedure.

20 7. The Debtors are authorized to take all actions necessary to effectuate the relief
21 granted pursuant to this Order in accordance with the Motion.

22 8. Notwithstanding the possible applicability of Rules 6004(h), 7062, and 9014 of
23 the Federal Rules of Bankruptcy Procedure or otherwise, the terms and conditions of this Order
24 shall be immediately effective and enforceable upon its entry.

25 9. The Court retains jurisdiction with respect to all matters arising from or related to
26 the implementation, interpretation and enforcement of this Order.

27
28 _____
² Capitalized terms, unless otherwise defined herein, shall have the meanings ascribed to them in the Motion.

Submitted by:
DATED this 29th day of January, 2010.

By: /s/ Zachariah Larson
LARSON & STEPHENS
Zachariah Larson, Esq. (NV Bar No 7787)
Kyle O. Stephens, Esq. (NV Bar No. 7928)
810 S. Casino Center Blvd., Ste. 104
Las Vegas, NV 89101
(702) 382-1170 (Telephone)
(702) 382-1169
zlarson@lslawnv.com
Attorneys for Debtors

LARSON & STEPHENS
810 S. Casino Center Blvd., Suite 104
Las Vegas, Nevada 89101
Tel: (702) 382-1170 Fax: (702) 382-1169

LR 9021 Certification

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☒ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

Submitted by:

DATED this 29th day of January, 2010.

By: /s/ Zachariah Larson

LARSON & STEPHENS
Zachariah Larson, Esq. (NV Bar No 7787)
Kyle O. Stephens, Esq. (NV Bar No. 7928)
810 S. Casino Center Blvd., Ste. 104
Las Vegas, NV 89101
(702) 382-1170 (Telephone)
(702) 382-1169
zlarson@lslawnv.com
Attorneys for Debtors

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Las Vegas, Nevada 89101
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